

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Servants – PRED – Allegations against Sri R. Hanmanth Rao, the then in-charge Executive Engineer, PIU, Kothagudem and now under suspension, in connection with considering the honorary service rendered by the deceased NMR (Sri K. Nageswara Rao) and for submitting the proposals for consequent regularization of his services as Watchman-cum-Sweeper – Disciplinary proceedings under Rule 20 of Andhra Pradesh Civil Services (CCA) Rules, 1991 - Articles of Charges – Issued.

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PANCHAYATI RAJ AND RURAL DEVELOPMENT (Estt.I.2) DEPARTMENT

G.O.Rt No.2230

Dated:11.12.2012.

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ORDER:

Whereas, it has been brought to the notice of the Government that, Sri R. Hanmanth Rao, the then in-charge Executive Engineer, PIU, Kothagudem, Khammam District and now under suspension, has committed grave irregularities in connection with considering the honorary service rendered by the deceased NMR (Sri K. Nageswara Rao) and for submitting the proposals for consequent regularization of his services as Watchman-cum-Sweeper in terms of the G.Os in force.

2. And whereas, it is proposed to hold an enquiry against Sri R. Hanmanth Rao, the then in-charge Executive Engineer, PIU, Kothagudem, Khammam District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (CC&A) Rules, 1991.

3. The substance of the imputations of misconduct or mis-behaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of Articles of Charges as Annexure I. A list of documents by which and a list of witnesses, by whom, the Articles of Charges are proposed to be sustained, are also enclosed. (Annexure II and Annexure III).

4. He is directed to submit his Written Statement of Defence within (15) days from the date of receipt of this order. He is informed that an enquiry will be held, only in respect of those Articles of Charges, as are not admitted. He should, therefore, specifically admit or deny the Article of Charge.

5. He is further informed that, if he does not submit his written statement of defence within the prescribed period specified in para-4 above, further action will be processed based on the material available.

6. He is also informed that, as per Rule 24 of the Andhra Pradesh Civil Service (Conduct) Rules, 1964 no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Service (Conduct) Rules, 1964.

7. The receipt of this order shall be acknowledged forthwith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R. SUBRAHMANYAM

PRINCIPAL SECRETARY TO GOVERNMENT (PR) (FAC)

To

Sri R. Hanmanth Rao, the then in-charge Executive Engineer,
PIU, Kothagudem, Khammam district now under/suspension
through the Engineer - in - Chief, PR, Hyderabad.

The Engineer - in - Chief, PR, Hyderabad

with a request to serve the order to the individual and return
the dated acknowledgement copy to Government.

SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER

A N N E X U R E – I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI R. HANMANTH RAO, THE THEN IN-CHARGE EXECUTIVE ENGINEER, PIU, KHAMMAM DISTRICT

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CHARGE

That Sri R. Hanmanth Rao, the then in-charge Executive Engineer, PIU, Kothagudem, Khammam District has committed grave irregularities in connection with considering the honorary service (from 01.10.1987 to 18.01.1991) rendered by the deceased NMR (Sri K. Nageswara Rao) and for submitting the proposals for consequent regularization of his services as Watchman-cum-Sweeper in terms of the G.Os in force. After the death of late Sri K. Nageswara Rao, proposals for regularization of services of Sri K. Nageswara Rao, were submitted by his dependents in terms of the existing G.Os, the service of Late Sri K. Nageswara Rao, Ex. NMR employee could not be regularized as his case will not come under the purview of the said G.Os. Sri K. Nageswara Rao, S/o Kotaiah has worked from 1.10.1987 to 18.01.1991 under the control of Deputy Executive Engineer, PRSD, Burgampahad, who has certified that during that period the individual worked as honorary helper to repair panel pumps in Burgampahad sub-division. From 19.01.1991 to 16.05.2007 he has worked under the control of PRI Sub-division, Kothagudem. But while submitting check slip, Sri R. Hanmanth Rao, as the Executive Engineer, PR, Kothagudem, the controlling authority has certified that the individual working as NMR daily wages, since 01.10.1987. Hence, the Executive Engineer has certified that, the individual has completed 5 years before 25.11.1993 as NMR daily wages and eligible for regularization. Due to the wrong certificate given by Sri R. Hanmanth Rao, treating the period from 01.10.1987 to 18.01.1991 which was actually honorary pump mechanic as NMR daily wage worker, the Hon'ble Tribunal in O.A.No.7085/2010 have issued orders in favour of Sri K. Nageswara Rao for his regularization.

BASIS

Sri K. Ramakrishna, s/o late K. Nageswara Rao, NMR, O/o the Deputy Executive Engineer, PRSD, Kothagudem, Khammam district filed O.A.No.7085/2010 for compassionate appointment in any suitable post in terms of G.O.Ms.No.118, F&P Department, dated:18.08.1999. The Hon'ble Tribunal, Hyderabad in its final order dated:19.08.2011 in O.A.No.7085/2010 has directed the respondents to appoint the applicant in terms of the G.O.Ms.No.118, F&P Department, dated:18.8.1999 within a period of 4 weeks from the date of receipt of a copy of the orders.

The Engineer-in-Chief, P.R. in his letter dated:24.03.2012 has stated that the applicant father late K. Nageswara Rao worked on honorary service with effect from 01.10.1987 to 18.01.1991 and that period, salary was not paid as per records and that service will not be taken into consideration. Actually, the deceased employee worked as NMR from 19.01.1991 and as on cutoff date, i.e. 25.11.1993 the deceased employee has put service 2 years 10 months 6 days. As per conditions of G.O.Ms.No.212, Fin. & Plg. Department., dated:22.4.1994, the NMR has neither fulfilled nor complied with. He has further stated that the Executive Engineer, P.R., Kothagudem has informed that, "after death of late K. Nageswara Rao, proposal for regularization of services were submitted by his dependents, as per G.O.Ms.No.212, Fin.&Plg. Department., dated:24.04.1994 and G.O.Ms.No.112, dated:23.07.1997 the services of late K. Nageswara Rao, NMR employee could not be regularized as his case would not come under the purview of the said GOs. But, the honorary service rendered by the late employee was also taken into counts upon which and total service comes to 6 years above as on cutoff date i.e., 25.11.1993. Sri K. Ramakrishna, s/o K. Nageswara Rao has approached Hon'ble Tribunal with a prayer to provide compassionate appointment. The Hon'ble Tribunal in its final orders dated:23.08.2011 in O.A.No.7085/2010 has directed the respondents to appoint him in terms of G.O.Ms.No.118, F&P Department, dated:18.8.1999 within a period of 4 weeks from the date of receipt of a copy of the orders.

As per the report of Engineer-in-Chief, PR, Hyderabad, the deceased worked on honorary service w.e.f. 01.10.1987 to 18.01.1991 and salary was not paid to him as per records. As such, that period was not taken into consideration as service. The deceased employee worked as NMR from 19.01.1991, as on 25.11.1993 i.e., cutoff date, the deceased has put 2 years 10 months and 6 days service. Hence, the deceased has not fulfilled the

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conditions stipulated in G.O.Ms.No.212, Fin. (PC.III) Department, dated:22.4.1994. The honorary service cannot be counted for regularizing the services. But, the then Deputy Executive Engineer, Burgumpahad SD, Khammam District has issued a certificate to this effect and, Sri R. Hanmanth Rao, the then in-charge Executive Engineer, has issued two check slips issued. In the first one, the date of entry into service as NMR was shown as 1.10.1987 and in the second one, the date was mentioned as 19.1.1991. Hence, he had recommended for regularization of services of the deceased.

Hence, the charge.

R. SUBRAHMANYAM
PRINCIPAL SECRETARY TO GOVERNMENT (PR) (FAC)

SECTION OFFICER

A N N E X U R E – II

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHAGES FRAMED AGAINST SRI R. HANMANTH RAO, THE THEN IN-CHARGE EXECUTIVE ENGINEER, PIU, KOTHAGUDEM, KHAMMAM DISTRICT.

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1. Service Certificate issued by Deputy Executive Engineer, PRSD, BURGAMPAHAD, DATED:18.01.1991.
2. Check list issued by Sri R. Hanmanth Rao, the then in-charge Executive Engineer, P.R Division, Kothagudem, dated:26.02.2009 and 30.10.2009.

R. SUBRAHMANYAM
PRINCIPAL SECRETARY TO GOVERNMENT (PR) (FAC)

SECTION OFFICER

A N N E X U R E – III

LIST OF WITNESSES BY WHOM THE ARTICLE OF CHARGES FRAMED AGAINST SRI R. HANMANTH RAO, THE THEN IN-CHARGE EXECUTIVE ENGINEER, PIU, KOTHAGUDEM, KHAMMAM DISTRICT.

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R. SUBRAHMANYAM
PRINCIPAL SECRETARY TO GOVERNMENT (PR) (FAC)

SECTION OFFICER